

### **REMARKS**

Applicants respectfully request favorable reconsideration of this application as presently amended, and in light of the following remarks. Claims 1-4, 6-16, 18-22, 24-34 and 36-48 are currently pending in the present application. Claims 1, 8, 13, 19, 25, 30 and 39 are amended by the present amendment. Support for amendments to the claims can be found in the specification and in the claims as originally filed.<sup>1</sup> Thus, no new matter is added. Accordingly, applicants respectfully request entry thereof and reconsideration of claims 1-4, 6-16, 18-22, 24-34 and 36-48 in view of the following remarks.

Applicants wish to thank Examiner Morgan for the telephonic interview of June 10, 2009. Initially, applicants wish to clarify the record by noting that although the Interview Summary lists Matthew Osborne and Paul A. Revis as participants, the actual participants to the interview were Patrick Doody (Reg No. 35,022) and Jacob Osborn. During the interview, possible changes to the claim language to better convey the invention were discussed.

In the outstanding Final Office Action, claims 1-4, 6-13, 15-16, 18-19, 25-34, 36-39 and 41-46 were rejected under 35 U.S.C. § 103(a) as unpatentable over Joao (U.S. Patent Publication 2001/0032099; hereinafter “Joao”) in view of Soll et al. (U.S. Patent Publication 2003/0055679; hereinafter “Soll”); and claims 14, 20-22, 24, 40, 47 and 48 were rejected under 35 U.S.C. § 103(a) as unpatentable over Joao in view of Soll and further in view of Schoenburg et al. (U.S. Patent No. 6,463,417; hereinafter “Schoenburg”).

In response to the rejection of claims 1-4, 6-13, 15-16, 18-19, 25-34, 36-39 and 41-46 under 35 U.S.C. § 103(a) as unpatentable over Joao in view of Soll, applicants respectfully submit that amended independent claims 1, 8, 13, 19, 25, 30 and 39 recite novel features clearly not taught or rendered obvious by the applied references.

Claim 1 recites a “calendar file that displays a schedule of the at least two tasks associated with the treatment pathway and adapted to be modified by the patient using the input device of the patient terminal device.” Independent claims 8, 13, 19, 25, 30 and 39 recite similar features with respect to a calendar file that displays a schedule of the at least two event tasks associated with the treatment pathway and adapted to be modified by the patient using the input

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<sup>1</sup> See specification, paragraph [0087] and [0106].

of the patient terminal device. Thus, the arguments presented below with respect to claim 1 also are applicable to independent claims 8, 13, 19, 25, 30 and 39.

Soll describes an enhanced medical treatment system that seeks input from the patient and the physician about the medical problems faced by the patient.<sup>2</sup> Specifically, Soll describes that patients are given personalized instructions and educational materials when they leave the clinic.<sup>3</sup> Furthermore, Soll describes displaying information to be accessed under each heading by date (calendar file).<sup>4</sup> Soll does not describe or suggest, however, “a calendar file that displays a schedule of *the at least two* event tasks associated with the treatment pathway and adapted to be modified by the patient using the input device of the patient terminal device,” where the at least two even tasks are defined as “selected from the group consisting of scheduling an appointment with a medical professional, purchasing a medical product, taking a medical quiz, and evaluating at least one of a medical practitioner and a medical service facility,” as recited in amended Claim 1.

Joao describes an apparatus for providing healthcare information for either performing a medical diagnosis or prescribing a medical treatment.<sup>5</sup> Joao further describes a database that contains health information data accessible to the patient and the physician, such as appointment schedules.<sup>6</sup> Joao fails to describe or suggest, however, “a calendar file that displays a schedule of *the at least two* event tasks associated with the treatment pathway and adapted to be modified by the patient using the input device of the patient terminal device,” where the at least two even tasks are defined as “selected from the group consisting of scheduling an appointment with a medical professional, purchasing a medical product, taking a medical quiz, and evaluating at least one of a medical practitioner and a medical service facility,” as recited in amended Claim 1.

In fact, Joao simply describes that the database can contain appointment schedules, and that a patient may schedule an appointment.<sup>7</sup> Although the Final Office Action found that “an appointment schedule is considered to be analogous to a calendar file that displays a

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<sup>2</sup> See Soll, Abstract.

<sup>3</sup> *Id.* at paragraph [0174].

<sup>4</sup> *Id.* at paragraphs [0157]-[0161].

<sup>5</sup> See Joao, Abstract.

<sup>6</sup> *Id.* at paragraph [0150].

<sup>7</sup> See Joao, paragraphs [0150] and [0266].

schedule of time specific events associated with the treatment pathway,”<sup>8</sup> allowing a patient to schedule an appointment is not analogous or equivalent to “displaying a schedule of the *at least two event tasks*,” especially where the “two event tasks are selected from the group consisting of scheduling an appointment with a medical professional, purchasing a medical product, taking a medical quiz, and evaluating at least one of a medical practitioner and a medical service facility.” Thus, the Final Office Action alleges that Joao only describes that the calendar file [schedule an appointment] displays *one event task*.

Furthermore, independent claim 1 states that the at least two tasks must be “adapted to be modified by the patient using the input device of the patient terminal device.” Thus, according to applicants claimed invention, not only must the calendar file display at least two of the tasks listed in the above group, but the at least two of the tasks must also be “adapted to be modified.” Neither Joao nor Soll describes that the user can modify the at least two tasks using the calendar file [schedule an appointment]. Again, Joao simply describes that the patient may schedule an appointment.

Therefore, for at least the reasons listed above, applicants’ claimed invention is clearly patentable over Soll and Joao. Neither Soll nor Joao, nor any combination thereof, describes or suggests the features recited in independent claims 1, 8, 13, 19, 25, 30 and 39. Accordingly, claims 1, 8, 13, 19, 25, 30 and 39, and claims depending therefrom, are patentable in view of Soll and Joao, considered individually or in combination.

In response to the rejection of claims 14, 20-22, 24, 40, 47 and 48 under 35 U.S.C. § 103(a), claims 14, 20-22, 24, 40, 47 and 48 are dependent on independent claims 13, 19 and 39 and are believed to be patentable for at least the reasons discussed above. Further, applicants respectfully submit that Schoenburg fails to cure any of the above-noted deficiencies of Soll and Joao. Accordingly, applicants respectfully request the rejection of claims 14, 20-22, 24, 40, 47 and 48 under 35 U.S.C. § 103(a) be withdrawn.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. Applicants respectfully submit that the present claims are in condition for allowance.

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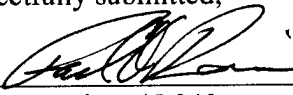
<sup>8</sup> See Final Office Action, page 4.

No additional fees are believed to be required for entry and consideration of this response. Nevertheless, in the event that the U.S. Patent and Trademark Office requires any additional fee to enter this response or to maintain the instant application pending, please charge such a fee to the undersigned's Deposit Account No. 132546.

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Medtronic Spinal and Biologics  
2600 Sofamor Danek Drive  
Memphis, TN 38132  
Phone: 901-396-3133  
Fax: 901-399-3040

Respectfully submitted,

By   
Paul A. Revis - 45,040